

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 15 May 2019
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Frost, Gardiner, Howard and Platts

**Members in Attendance:** Councillors Saunders and Tattersall

### 271. Declaration of pecuniary and non-pecuniary interests

Councillor Gardiner declared a non-pecuniary interest in Minute Number 283 due to being a NPS Board Member.

### 272. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 17<sup>th</sup> April, 2019 had been called in.

### 273. Minutes of the previous meeting held on 17th April, 2019 (Cab.15.5.2019/3)

The minutes of the meeting held on 17<sup>th</sup> April, 2019 were taken as read and signed by the Chair as a correct record.

Building Schools for the Future Re-Financing Proposal and Change in Law (Cab.17.4.2019/14) Minute Number 268 - Proposed Addendum:

The Executive Director - Core Services noted that the report stated that written confirmation from the Education Funding Agency (EFA) had not yet been received regarding the refinancing proposal. However, he informed the meeting that the EFA did not typically provide written confirmation of such agreements and therefore it was not intended to await such confirmation before implementing the proposals set out in the report.

### 274. Decisions of Cabinet Spokespersons (Cab.15.5.2019/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 26<sup>th</sup> April, 2019 were noted.

### 275. Petitions received under Standing Order 44 (Cab.15.5.2019/5)

It was reported that no petitions had been received under Standing Order 44.

#### Core Services Spokesperson

### 276. Quarterly Analysis of Selective Voluntary Early Retirement and Voluntary Severance October 2018 - March 2019 (Cab.15.5.2019/6)

**RESOLVED** that the Selective Voluntary Early Retirement and Voluntary Severances which have taken place in the period October 2018 to March 2019, as detailed in the report now submitted, be noted.

**277. Strategic Risk Register - Full Review - March 2019 (Cab.15.5.2019/7)**

**RESOLVED:-**

- (i) that the current strategic risks articulated within the Strategic Risk Register reflects the current position of the Council;
- (ii) that the content of the Strategic Risk Register be noted and support continue to be given to the Corporate Risk Management process and the embedding of a Risk Management culture within the organisation; and
- (iii) that the intention to carry out a review of the Council's Strategic Risk Register following the 2019 Peer Review findings be noted.

**People (Achieving Potential) Spokesperson**

**278. Unauthorised Pupil Absence and Leave of Absence From Schools (Cab.15.5.2019/8)**

**RESOLVED** that the proposed changes contained within the revised Code of Conduct for issuing penalty notices for unauthorised absence and leave of absence, as detailed in the report now submitted, be approved and implemented from the start of the academic year in September 2019.

**Place Spokesperson**

**279. Adoption of New and Updated Supplementary Planning Documents (SPDs) and Planning Advice Notes (PANs) (Cab.15.5.2019/9)**

**RECOMMENDATION TO FULL COUNCIL ON 23<sup>RD</sup> MAY, 2019** that the adoption of the Supplementary Planning Documents (SPDs) and Planning Advice Notices (PAN), as set out in the appendices to the report, be approved.

**280. Planned Maintenance Programme 2019-20 (Cab.15.5.2019/10)**

**RESOLVED:-**

- (i) that the list of schemes identified as priorities for each Service be agreed and that NPS Barnsley Ltd, in conjunction with the Service Director Regeneration and Property, be authorised to place orders for the work;
- (ii) that the Service Director Regeneration and Property be authorised, in consultation with the relevant Service and the Cabinet Spokesperson for Place Directorate, to vary the programme within the overall financial approval;
- (iii) that, in accordance with Contract Standing Order 10.1(h), Contract Standing Order 3.2(b) be invoked to allow single tenders to be received from the NPS Construction, subject to these being checked for value for money against

previously tendered works, such an exception being justified on the grounds set out in Section 4 of the report; and

- (iv) that, in the event that the planned maintenance budget for 2019-20 not be fully expended, the value of any committed works be rolled forward in addition to next year's planned maintenance allocations.

**281. Housing Infrastructure Funding (HIF) Marginal Fund (Cab.15.5.2019/11)**

**RESOLVED:-**

- (i) that the outcome of the bid submission to the Housing Infrastructure Funding (HIF) Marginal Fund and the offer of a revised grant allocation following an independent Due Diligence appraisal over summer 2018, as detailed in the report, be noted; and
- (ii) that BMBC Legal (working in partnership with our appointed Framework Solicitors Walker Morris) be authorised to:-
- Enter into contract with Homes England to accept the funding and all associated terms and conditions.
  - Enter into a flow down funding agreement with Keepmoat Limited which replicates the terms and conditions of the Homes England contract.
  - Enter into a Development Licence with Keepmoat Limited to enable the completion of the Phase 3 infrastructure works.
  - Enter into a Variation to the Development Agreement with Keepmoat Limited relating to the delivery of Phase 3.

**282. Housing Revenue Account (HRA) - Capital Works 2019/20 Programme (Cab.15.5.2019/12)**

**RESOLVED** that the Housing Revenue Account (HRA) Capital Works Programme for 2019/20, as detailed in the report now submitted, be approved.

**283. NPS Barnsley Ltd Business Plan and Barnsley Norse Business Plan 2019-20 (Cab.15.5.2019/13)**

**RESOLVED:-**

- (i) that the NPS Business Plan for 2019-20, as set out in Appendix A to the report, be approved; and
- (ii) that the Barnsley Norse Business Plan for 2019-20, as detailed in Appendix B to the report, be approved.

**284. Proposed Waiting Restrictions at Stainborough Road and Keresforth Road, Dodworth - Consideration of Objections (Cab.15.5.2019/14)**

**RESOLVED:-**

- (i) that the objection received to the Traffic Regulation Order (TRO) to introduce waiting restrictions on parts of Stainborough Road and Keresforth Road, Dodworth be overruled for the reasons set out in the report and the objectors be informed accordingly; and
- (ii) that the Head of Highways and Engineering and the Executive Director Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order as originally published.

**285. Proposed Waiting and Loading Restrictions at Park Road, Barnsley - Consideration of Objections (Cab.15.5.2019/15)**

**RESOLVED:-**

- (i) that the objection received to the Traffic Regulation Order (TRO) to introduce waiting and loading restrictions on parts of Park Road, Tower Street, Castle Street, St John's Road, Park Grove, Locke Avenue and Blenheim Road, Barnsley be overruled for the reasons set out in the report and the objectors be informed accordingly; and
- (ii) that the Head of Highways and Engineering and the Executive Director Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order as originally published.

**286. Proposed Waiting Restrictions at Bloemfontein Street and Barnsley Road, Cudworth - Consideration of Objections (Cab.15.5.2019/16)**

**RESOLVED:-**

- (i) that the objection received to the Traffic Regulation Order (TRO) to introduce waiting restrictions on parts of Bloemfontein Street and Barnsley Road, Cudworth be overruled for the reasons set out in the report and the objectors be informed accordingly; and
- (ii) that the Head of Highways and Engineering and the Executive Director Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order as originally published.

**287. Proposed Waiting Restrictions at Jackson Street and Co-operative Street Junctions with Barnsley Road, Cudworth - Consideration of Objections (Cab.15.5.2019/17)**

**RESOLVED:-**

- (i) that the objection received to the Traffic Regulation Order (TRO) to introduce waiting restrictions on the junctions of Jackson Street and Co-operative Street with Barnsley Road, Cudworth be overruled for the reasons set out in the report and the objectors be informed accordingly; and

- (ii) that the Head of Highways and Engineering and the Executive Director Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order as originally published.

#### **288. URBACT: TechRevolution (Cab.15.5.2019/18)**

##### **RESOLVED:-**

- (i) that approval be given for the Executive Director Place to authorise the contracts with the URBACT Secretariat on behalf of the Council;
- (ii) that approval be given for the Executive Director Core Services and Service Director Finance to amend revenue budgets in accordance with the financial implications and Appendix A of the report;
- (iii) that approval be given for the Executive Director Place in consultation with the Executive Director Core Services to contract with the programme partners: Pardubice, Czechia; Vilanova I la Geltru, Spain; Schiedam, Netherlands; Piraeus, Greece; Bacau, Romania; Nyíregyháza, Hungary; and
- (iv) that approval be given for the Council to act as Accountable Body for the TechRevolution programme.

#### **289. Exclusion of Public and Press**

**RESOLVED** that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
290	Paragraph 3
291	Paragraph 3
292	Paragraph 5

##### **Place Spokesperson**

#### **290. Community Asset Transfer - Penistone Leisure Centre (Cab.15.5.2019/20)**

##### **RESOLVED:-**

- (i) that approval be given to granting a 30 year lease to Sporting Penistone Charitable Incorporated Organisation (ICO) on terms and conditions to be agreed;
- (ii) that the Corporate Asset Manager be authorised to finalise Heads of Terms for the proposed 30 year lease; and
- (iii) that the Executive Director Core Services be authorised to complete the lease to Sporting Penistone CIO. The grant of lease will be in accordance with Local Government Act 1972, but at less than best consideration based on the

delivery of local social economic and environmental wellbeing powers as introduced by the Local Government Act 2000 and the General Disposal Consent (England) 2003.

**291. Community Asset Transfer - Land at Dearne Welfare Park, Bolton-upon-Dearne (Cab.15.5.2019/21)**

**RECOMMENDATION TO FULL COUNCIL ON 23<sup>RD</sup> MAY, 2019:-**

- (i) that, subject to terms being agreed and statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity of Trustee of the Miners Recreation or Pleasure Ground at Goldthorpe approves the grant of a 25 year lease of an area of Dearne Welfare Park to Dearne and District Junior Football Club (D&DJFC);
- (ii) that the Corporate Asset Manager be authorised to finalise Heads of Terms for the proposed 25 year lease, in accordance with charity legislation, and make any necessary amendments to the property's title documents that may be required in order for the proposed tenants to secure finance for the new pavilion project; and
- (iii) that the Executive Director Core Services be authorised to complete the lease to Dearne and District Junior Football Club (D&DJFC).

**Core Services Spokesperson**

**292. Local Government Act 2000 Section 101 - Indemnities (Cab.15.5.2019/22)**

**RESOLVED:-**

- (i) that endorsement be given to the general principle as set out in the report that indemnities be granted to officers or members in circumstances where an individual officer or elected member be made the subject of legal proceedings in respect of matters arising within the reasonable scope of their employment or elected office; and
- (ii) that the consideration of the granting of individual indemnities, upon being satisfied that the relevant officer or member was acting in good faith, be delegated to the Cabinet Spokesperson for Core Services in consultation with the Council's Head of Paid Service, Monitoring Officer and Section 151 Officer.

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Chair